

**UNITED STATES DEPARTMENT OF TRANSPORTATION
FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION**

**In Re: Sky Express, Inc.
USDOT # 1361588**

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**FMCSA Investigation
No. FMCSA-2011-14701-1**

SUBPOENA

**TO: Dr. Xiangping Chen a/k/a Jimmy Chen, President and Chief Executive Officer
Ivy Media Corporation/GotoBus.com
2285 Massachusetts Avenue
Suite 204
Cambridge, MA 02140**

The Federal Motor Carrier Safety Administration (FMCSA), Office of Enforcement and Compliance, Passenger Carrier Division, pursuant to authority under 49 U.S.C. § 13301(c), as delegated to the FMCSA Administrator pursuant to 49 C.F.R. § 1.73, commands you to appear and produce to Richard R. Bates, FMCSA Massachusetts Division Administrator, and/or his designee at the FMCSA Massachusetts Division Office, 50 Mall Road, Suite 212, Burlington, Massachusetts 01803, on **June 13 at 9:00 a.m.**, the following information concerning FMCSA's investigation into the compliance of Sky Express, Inc. (hereinafter "Sky Express"), a motor carrier of passengers, with U.S. Department of Transportation commercial and safety regulations, and with the FMCSA Order to Cease all Transportation in Interstate and Intrastate Commerce served on Sky Express on May 31, 2011. A copy of a Cease and Desist Order FMCSA is serving today on Sky Express is attached.

DEFINITIONS

The terms "documents," "records" or "reports" as used in this subpoena refer to and include all correspondence, emails, receipts, checks, agreements, books, ledgers, papers, and

other documents maintained in either hard copy or electronic medium, such as a hard drive, computer tape, solid state memory, flash drive, or computer disk.

REQUESTS

Dr. Xiangping Chen a/k/a Jimmy Chen (“Dr. Chen”), or an authorized representative of Ivy Media Corporation/GotoBus.com, as operator of the websites www.gotobus.com, www.taketours.com, and/or www.2001bus.com (hereinafter “GotoBus”), is hereby commanded to produce at the above time and place the following documents, papers, and records, in readable format, whether electronic, digital, or hard copy:


1. A list of all bus companies that, since June 1, 2009, have sold tickets through www.gotobus.com, www.taketours.com and/or www.2001bus.com, or have entered into agreements for the sale of tickets through any of these websites. This list must include the following information associated with each company listed:
 - a. Company name, including any and all d/b/a or affiliate names;
 - b. USDOT numbers;
 - c. State of incorporation;
 - d. Corporate ID number or EIN;
 - e. All e-mail addresses;
 - f. All phone numbers;
 - g. All mailing addresses;
 - h. All bus station or pick-up and drop-off locations/addresses;
 - i. All corporate owners and officers;
 - j. All company employees; and
 - k. All routes served by such company.
2. All GotoBus records, reports, requests and data maintained on behalf of the following companies and individuals, or related to any agreement for provision of services to the following companies or individuals, including but not limited to all vendor account reports, sales reports, company information, products or services offered, payment records and requests for services:
 - a. Sky Express
 - b. Hua Mei Tours,
 - c. Hua Mei Travel
 - d. Hua Mei Bus
 - e. Hua Mei 108 Bus
 - f. I-95 Coach
 - g. Coach 88
 - h. New Century Travel
 - i. Antai Tours

- j. NY Ho Charter Services
 - k. United Tours
 - l. Ocean Travel
 - m. 2003 Coach
 - n. Blue Sky Bus Tours, Inc.
 - o. Natural Travel, Inc.
3. All letters, reports, emails or other communications to or from any employee, representative or designee of Sky Express, Hua Mei Tours, Hua Mei Travel, Hua Mei Bus, Hua Mei 108 Bus, I-95 Coach, Coach88, New Century Travel, Antai Tours, NY Ho Charter Services, United Tours, Ocean Travel, and/or 2003 Coach, related to any agreement to sell tickets for tours or bus travel through www.gotobus.com, www.taketours.com, and/or www.2001bus.com.
4. All records or reports containing or relating to customer complaints or concerns regarding the safety or service of Sky Express, Hua Mei Tours, Hua Mei Travel, Hua Mei Bus, Hua Mei 108 Bus, I-95 Coach, Coach88, New Century Travel, Antai Tours, NY Ho Charter Services, United Tours, Ocean Travel, and/or 2003 Coach.
5. All reports or records of communications from State or Federal law enforcement agencies regarding violations or alleged violations of safety regulations by Sky Express, Hua Mei Tours, Hua Mei Travel, Hua Mei Bus, Hua Mei 108 Bus, I-95 Coach, Coach88, New Century Travel, Antai Tours, NY Ho Charter Services, United Tours, Ocean Travel, and/or 2003 Coach.

This subpoena applies to all documents in the possession or control of Dr. Chen, Ivy Media Corporation and/or GotoBus, and their employees, agents and attorneys, regardless of the location of the documents, and it specifically includes such documents in the custody of accountants, consultants or other third parties.

For questions regarding your compliance with this subpoena, please contact Charles Fromm, FMCSA Assistant Chief Counsel for Enforcement and Litigation, at (202) 366-3551 or Charles.Fromm@dot.gov.

Dated this third day of June, 2011.


Anne Collins
Associate Administrator for Field Operations
Federal Motor Carrier Safety Administration

Certificate of Service

I certify that the foregoing administrative subpoena was personally delivered to the below-named representative of Ivy Media Corporation/GotoBus.com on this _____ day of June, 2011.

Served upon: _____

By: _____

**UNITED STATES DEPARTMENT OF TRANSPORTATION
FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION**

In Re SKY EXPRESS, INC.
USDOT # 1361588

) **No.:** FMCSA-2011-14701-1
)
) **Service**
) **Date:** _____
)
) **Time:** _____
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CEASE AND DESIST ORDER

This notice constitutes a Cease and Desist Order (“ORDER”) by the United States pursuant to 49 U.S.C. § 14701(a), and pursuant to delegation of authority to the Federal Motor Carrier Safety Administration (FMCSA), United States Department of Transportation (USDOT). This ORDER applies to Sky Express, Inc., USDOT # 1361588, MC # 521652 (“SKY EXPRESS”) and SKY EXPRESS’S owners, officers, and agents.

**EFFECTIVE IMMEDIATELY SKY EXPRESS MUST CEASE ALL SALES OF
INTERSTATE AND INTRASTATE MOTOR CARRIER TRANSPORTATION
SERVICE, INCLUDING ALL SALES OF TICKETS OR VOUCHERS, WHETHER
PERSONALLY OR THROUGH BROKERS, WEBSITES OR OTHER
TRANSPORTATION INTERMEDIARIES, AND FURTHER MUST CEASE ALL SALES
OF TRANSPORTATION SERVICE UNDER OTHER NAMES.**

I. JURISDICTION

SKY EXPRESS is a motor carrier of passengers and conducts or until recently conducted operations in interstate commerce pursuant to operating authority registration issued by FMCSA under 49 U.S.C. § 13902. SKY EXPRESS transports passengers for compensation “between a place in ... a State and a place in another State” and is subject to FMCSA’s jurisdiction at 49 U.S.C. § 13501(1)(A).

II. BASIS FOR ORDER

On April 7, 2011, FMCSA completed a compliance review of SKY EXPRESS's operations. The review uncovered serious violations of the Federal Motor Carrier Safety Regulations. On April 12, 2011, FMCSA issued a proposed safety rating to SKY EXPRESS of "unsatisfactory." In that letter, FMCSA advised SKY EXPRESS that it had 45 days to take corrective actions to improve its Safety Rating to Conditional or Satisfactory or it would be prohibited from operating in interstate and interstate commerce and face revocation of its FMCSA operating authority registration. On May 11, 2011, SKY EXPRESS availed itself of its opportunity to avoid revocation by submitting a request to FMCSA to upgrade its safety rating due to purported corrective action it had taken. On May 13, 2011, FMCSA denied the upgrade request because SKY EXPRESS had not demonstrated that adequate corrective actions had been taken to address the violations cited during the compliance review. On May 31, 2011, FMCSA issued SKY EXPRESS a final safety rating of "Unsatisfactory." Pursuant to 49 U.S.C. § 31144(c)(2), FMCSA issued SKY EXPRESS an order requiring it to cease all transportation in interstate and intrastate commerce. Pursuant to 49 U.S.C. § 13905(f)(1)(B), FMCSA revoked SKY EXPRESS's operating authority registration on May 31, 2011.

Title 49 U.S.C. § 14701(a) provides that if FMCSA finds that a carrier is violating 49 U.S.C. Chapters 131-149, the Agency "shall take appropriate action to compel compliance... after giving the carrier ... notice of the investigation and an opportunity for a proceeding. Through its April 12, 2011 letter to SKY EXPRESS, FMCSA put SKY EXPRESS on notice that it was investigating the carrier's operating authority registration and that to preserve its operating authority registration, the carrier needed to successfully petition FMCSA for an upgrade to its safety fitness rating. FMCSA informed SKY EXPRESS of the procedural mechanism to seek an upgrade, and SKY EXPRESS availed itself of those procedures by submitting an upgrade request


to FMCSA on May 11, 2011. After considering the purported corrective action that SKY EXPRESS filed during this proceeding FMCSA denied the upgrade request on May 13, 2011. On May 31, 2011, FMCSA revoked SKY EXPRESS's operating authority registration.

FMCSA has now learned that SKY EXPRESS is attempting to operate without operating authority registration. Such operations are unlawful. FMCSA has learned that tickets for SKY EXPRESS are being advertised for sale on the Internet. FMCSA has also learned that SKY EXPRESS is repainting, or has repainted, some or all of its vehicles and is unlawfully selling tickets for interstate transportation of passengers on SKY EXPRESS under other operating authority registrations. In order to compel compliance with 49 U.S.C. § 13901, FMCSA is ordering SKY EXPRESS to cease and desist from providing tickets for sale of its transportation service and from providing tickets for sale of its transportation service under other names. Any such sales would result in a violation of 49 U.S.C. § 13901, and hence any such sales must cease immediately.

III. FAILURE TO COMPLY

Failure to comply with this ORDER will subject SKY EXPRESS to an action in United States District Court for equitable and/or declaratory relief.

Dated this third day of June, 2011.

A handwritten signature in black ink, appearing to read "Will Quade", is written over a horizontal line.

William A. Quade
Associate Administrator for Enforcement and
Program Delivery
Federal Motor Carrier Safety Administration

Certificate of Service

I certify that the foregoing administrative subpoena was personally delivered to the below-named representative of Ivy Media Corporation/GotoBus.com on this 3rd day of June, 2011.

Served upon: DR. XIANGPING CHEN AND JIMMY CHEN

By: SI [Signature]